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PART IV

CONSUMER PRODUCT SAFETY COMMISSION

■

ARCHITECTURAL GLAZING MATERIALS

Proposed Safety Standard and Denial of Petitions

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

ARCHITECTURAL GLAZING MATERIALS

Proposed Amendments to Safety Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed amendments to standard.

SUMMARY: In this document the Commission proposes amendments to the Safety Standard for Architectural Glazing Materials (16 CFR 1201) to clarify the definition of certain glazed panels in nonresidential buildings which are subject to the standard, and to modify the description of certain items of test apparatus and certain test procedures specified by the standard.

DATE: Comments concerning this proposal must be received by November 2, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Allen F. Brauninger, Attorney, Division of Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6629)

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1977 (42 FR 1427), the Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR 1201) with an effective date of July 6, 1977. This standard was issued under provisions of the Consumer Product Safety Act to reduce or eliminate risks of injuries associated with walking, running, or falling through or against glazing materials in storm doors, doors (both exterior and interior), shower and bathtub doors and enclosures, certain glazed panels, and sliding or patio-type doors.

The standard prescribes safety requirements for glazing materials manufactured on or after July 6, 1977, for use in storm doors, doors (both exterior and interior), shower and bathtub doors and enclosures, certain glazed panels, and sliding or patio-type doors. The standard also requires that the architectural products enumerated above which are manufactured on or after July 6, 1977, must be constructed or assembled using glazing materials that meet the requirements of the standard.

In the FEDERAL REGISTER of June 20, 1977 (42 FR 31164), the Commission amended the standard to exempt from its requirements any architectural product which would otherwise be subject to the standard if that product is manufactured between July 6, 1977, and July 5, 1978, using glazing materials manufactured before July 6, 1977, which are marke dor certified to comply with ANSI Standard Z97.1-1972 or -1975, "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings," published by American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

The Standard issued by the Commission is designed to reduce or eliminate unreasonable risks of injury associated with architectural glazing materials by ensuring that the glazing materials used in the products enumerated above either will not break when impacted with a certain energy, or will break so that they are less likely than other glazing materials to present the unreasonable risks of injury detailed above.

To determine the breakage characteristics of glazing materials used or intended for use in the products which are subject to the standard, an impact test is prescribed by the standard. The impact test consists of striking the glazing material to be tested with a punching bag filled with lead shot by dropping the bag from a height of 18 or 48 inches, depending on the architectural products in which the glazing material is used.

Additionally, the standard prescribes accelerated environmental durability tests for laminated glass, organic-coated glass, and plastics which are subject to the standard to demonstrate that those glazing materials will withstand exposure to sunlight, heat, water, and other factors which, over an extended period of time, may affect their breakage characteristics.

GLAZED PANELS

One risk of injury which the standard is intended to eliminate or reduce is the type resulting from accidents which occur when a person walks or runs into a glazed panel because the accident victim misperceives the glazed panel as open space rather than solid material.

To address this risk of injury, the products subject to the standard include glazed panels in nonresidential buildings which have the lower edge of the glazing material within 18 inches of a walking surface; an exposed surface of glazing material in excess of nine square feet; and a walking surface on both sides of the glazing material. The type of panel described above is defined as a glazed panel which is subject to the standard by § 1201.2(a)(10)(11)(iii) of the standard.

In the definition of "glazed panel" set forth in § 1201.2(a)(10)(iii), the following language is used to describe the location of the walking surfaces next to the glazing material:

> (C) There is a walking surface on *both* sides, *either* of which is within 36 inches (92 centimeters) of such panel and the horizontal planes of such walking surfaces are within 12 inches (31 centimeters) of each other. [Emphasis added.]

The Commission has received several inquiries about the meaning of the language quoted above. Given a literal reading, that sentence states that if walking surfaces are present on both sides of a glazed panel, and if one of those walking surfaces is within 36 inches of the glazing material, the glazing material is subject to the standard no matter how far away from the glazing material the other walking surface may be located (assuming that the panel falls within all other conditions set forth in § 1201.2(a)(10)(iii)).

After careful consideration of these questions and the language of § 1201.2(a)(10)(iii), the Commission believes that the language of that section may be overly broad. The present language may include some glazed panels which have walking surfaces on both sides, but which do not present an unreasonable risk of injury by reason of being misperceived as open space, because one of those walking surfaces is sufficiently far away from the glazing material to provide a visual signal that glazing material is present.

For this reason, in the amendments proposed below, the definition of glazed panel which appears at § 1201.2(a)(10)(iii) has been modified to restrict its coverage to glazed panels which have walking surfaces on both sides of the glazing material, each of which is within 36 inches of the glazing material.

TEST FRAME

As stated above, the standard prescribes an impact test in which a specimen of glazing material is struck by an impactor to determine whether it will break, and if so, if its breakage characteristics are acceptable. The glazing material to be tested is clamped inside a subframe which is held in position by an upright steel frame. This equipment is illustrated in figures 1, 2, 3, and 4 of the standard, and is described in § 1201.4(b)(1).

Section 1201.4(b)(1)(iii) states: "The subframe * * * shall be reinforced at each corner." The illustration of the subframe in figure 4 of the standard depicts a subframe with reinforcement located at each corner of the inner members of the subframe.

To improve the clarity of § 1201.4(b)(1)(iii) and its consistency with figure 4, the Commission proposes to amend that section to state that the "inner subframe * * * shall be reinforced at each corner."

As described in § 1201.4(b)(1) and illustrated in figure 3, the subframe is constructed with neoprene strips at all points where the test speciment contacts the subframe. Figure 3 states that the neoprene strips shall have a Shore A, durometer hardness ranging from 30 to 45.

An inquiry from one manufacturer of glazing materials asks whether neoprene with a durometer hardness of 50 may be used in the subframe. The Commission has no information that the use of neoprene having a durometer hardness as great as 50 will improperly affect the outcome of the impact test specified in the standard. Further, the Commission is aware that neoprene having a durometer hardness as great as 50 has been utilized for several years in equipment used to test materials for compliance with ANSI standard Z97.1. For this reason, the Commission purposes to

amend the standard by revising figure 3 to specify neoprene of a Shore A, durometer hardness of 30 to 50 for use in the subframe.

IMPACTOR

As stated above, the impact test is performed by striking the test specimen with a leather bag which has been filled with lead shot and covered with tape. The impactor is dropped from a height of either 18 or 48 inches (depending on the intended use of the glazing material) in order to subject the test specimen to an energy of either 150 or 400 foot pounds.

The impactor is described in §1201.4 (b) (2) (i) of the standard in the following language:

> The impactor shall be a leather punching bag as shown in figure 5 of this section. The bag shall be filled with No. 7½ chilled lead shot to a total weight of completed assembly before taping, as shown in figure 5, of 100 pounds ±4 ounces (45.36 ± 0.11 kilograms). [Emphasis added.]

Because the purpose of the test apparatus and procedure is to generate an energy of 150 or 400 foot pounds, the description of the impactor in § 1201.4 (b) (2) (i) is slightly inaccurate in that it states that the punching bag shall weigh 100 pounds after it has been filled with lead shot but before it is taped. To correct this inaccuracy, the Commission proposes to amend this section to provide that the impactor shall weigh 100 pounds ±4 ounces after taping.

The commission also believes that the impactor should be supported in such a manner that it descends smoothly without wobbling or wiggling about its center of gravity. If the impactor descends smoothly, there should be greater uniformity in the nature of the impact from one test to the next. If, on the other hand, the impactor is allowed to wobble about its center of gravity as it descends, the involvement of the metal hardware at the top of the impactor might vary from impact to impact. Thus, in one test the metal might contact the test specimen very early in the test sequence, thereby producing an impact more severe than intended. In the next test, the metal hardware might not contact the test specimen at all.

In order to have the impactor descend smoothly without wobbling or oscillating, the present section 1201.4(b) (2) (ii) states:

> The impactor shall be supported as shown in figure 2. Provisions shall be made for raising the impactor to drop heights of up to 48 inches (1.22 meters). At its release it shall have been supported so that the pin going through its center was in line with the steel cable. The impactor shall not wobble or oscillate after its release.

The Commission believes that the first sentence of this section may be unduly restrictive because it permits no deviation from the support system depicted in figure 2 of the standard. A support system for the impactor is thought to be sufficient if the resultant of the support forces acting on the impactor passes through the center of gravity of the impactor, if the resultant is perpendicular to the steel cable supporting the impactor, and if the impactor is supported such that no twisting forces are imparted to it at its release.

The Commission also believes that the fourth sentence of § 1201.4(b) (2) (ii) may present unnecessary difficulty to persons conducting the impact test because it absolutely prohibits the presence of any wobbles or oscillation after the impactor is released. Wobble or oscillation of the impactor could occur, but to such a limited degree that its detection by the unassisted human eye would be difficult or impossible, without affecting the results of the impact test. Accordingly, the Commission proposes to amend the fourth sentence to indicate that the impactor shall be supported in a manner designed to minimize wobble or oscillation after its release.

ENVIRONMENTAL DURABILITY TESTS

In addition to the impact test, the standard also requires that some glazing materials must be subjected to accelerated environmental durability tests. The materials which must be subjected to environmental testing and the tests required for each such material are summarized in § 1201.4(a) (2) and Table 1 of the standard.

Table 1 states that plastics must be subjected to a simulated weathering test. This test requires exposure of specimens in a xenon arc Weather-Ometer for a period of 1200 hours, as specified by § 1201.4(d) (2) (ii) of the standard.

When the Commission issued the final standard on January 6, 1977 (42 FR 1427), it stated that an exposure of 1200 hours in a xenon arc Weather-Ometer had been estimated to represent the equivalent ultraviolet exposure of 2000 hours in the twin carbon arc Weather-Ometer used by many testers, and of 375,000 langleys of solar irradiation. The Commission further stated that it would consider amending the exposure required in the xenon arc Weather-Ometer if the results of an interlaboratory testing program sponsored by American National Standards Institute (ANSI) indicated that such a revision is necessary to obtain the equivalent exposures described above (see 42 FR 1437, January 6, 1977).

Preliminary results from this interlaboratory testing program, as well as subsequent communications from experts in the field of accelerated environmental durability testing, have demonstrated that the original estimated exposure period of 1200 hours in the xenon arc Weather-Ometer does not simulate 375,000 langleys of solar irradiation or produce the equivalent of 2000 hours in the twin carbon arc Weather-Ometer. Subsequently, the Plastic Safety Glazing Committee petitioned the Commission to amend the standard to require the use of a carbon arc Weather-Ometer or to increase the exposure of specimens in the xenon arc Weather-Ometer to 3480 hours. The Commission, in granting this petition, proposes to amend § 1201.4(d) (2) (ii) of the standard to increase the period of time for exposure of test specimens using the xenon arc Weather-Ometer to 3480±1 hours.

This exposure period is itself an estimate of the equivalent exposure of the glazing materials involved. Nevertheless, according to the best information available to the Commission at this time, the proposed exposure period of 3480±1 hours in the xenon arc Weather-Ometer provides a much closer approximation of the equivalent of 2000 hours in a twin carbon arc Weather-Ometer.

The Commission has considered the possibility that the standard could be amended to specify an exposure of 2000 hours in a carbon arc Weather-Ometer. Because of the differences in spectra of a xenon arc and a carbon arc, the Commission believes that a xenon arc provides a fairer, more universal test for the full range of organic coated glass and plastic glazing materials that now exist or may exist in the future. This belief is based on comparisons of the two spectra with that of the sun, and on the phenomenon of selective spectral absorption by glazing materials.

When the Commission receives the final results of the ANSI interlaboratory testing program, it may again consider amending the requirements for exposure in the xenon arc Weather-Ometer.

The proposed amendment to § 1201.4 (d) (2) (ii) which appears below also contains a change in the metric equivalent of the specified radiant flux. In its present form, § 1201.4(d) (2) (ii) states that the radiant flux shall be "50 microwatts per square centimeter (12 calories per second per square centimeter)." The metric equivalent appearing in parenthesis in the language quoted above is incorrect and should be 12 microcalories per second per square centimeter. The correction of this error in the amendment proposed below makes no substantive change to the radiant flux required by § 1201.4(d) (2) (ii).

Section 9(e) of the Consumer Product Safety Act, 15 U.S.C. 2058(e) provides that when an amendment to a consumer product safety rule involves a material change the procedures in section 7 and 9 apply. It is the Commission's view that the amendments proposed below do not involve a material change to the Standard because they do not affect the basic purpose and provisions of the Standard. Therefore, the provisions of section 7 and 9 (a)–(d) do not apply. However, the Commission believes the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553, do apply.

ENVIRONMENTAL EFFECTS

Because the proposed amendments involve only minor modifications to the standard, the Commission believes there are no potentially significant adverse environmental effects associated with the proposed amendments.

PROPOSAL

Therefore, pursuant to provisions of the Consumer Product Safety Act (sec. 9(e), 15 U.S.C. 2058(e)), and the Admin-

istrative Procedure Act, 5 U.S.C. 553, the Commission proposes to amend the Safety Standard for Architectural Glazing Materials by revising 16 CFR 1201.2 (a) (10) (iii), 1202.4(b) (1) (iii), 1201.4 (b) (2) (i), 1201.4(b) (2) (ii), 1201.4(c) (2), 1201.4(d) (2) (ii), and Figure 3 as follows:

§ 1201.2 Definitions.

(a) As used in this Part 1201:

* * * * *

(10) "Glazed panel" means a glazing material used in any building listed in § 1201.1(b) that is:

* * * * *

(iii) In all buildings other than residential buildings, all panels not described in paragraph (a) (10) (ii) of this section where:

(A) The lowest edge of the glazing material is less than 18 inches (46 centimeters) above any floor or any walking surface; and

(B) The exposed glazing material in such panel exceeds 9 square feet (0.3 square meters); and

(C) There is a walking surface on both sides, each of which is within 36 inches (92 centimeters) of such panel and the horizontal planes of such walking surfaces are within 12 inches (31 centimeters) of each other.

* * * * *

§ 1201.4 Test procedures.

* * * * *

(b) *Test equipment—(1) Impact test frame and subframe.* * * *

(iii) The inner subframe (see figures 2, 3, and 4) for securing the test specimen on all four edges shall be reinforced at each corner. The material is shown as wood in figure 3, but other materials may be used provided the test specimen will contact only the neoprene strips.

* * * * *

(2) *Impactor.* (i) The impactor shall be a leather punching bag as shown in figure 5 of this section. The bag shall be filled with No. 7½ chilled lead shot to a total weight of completed assembly as shown in figure 5, of 100 pounds ±4 ounces (45.36±0.11 kilograms). The rubber bladder shall be left in place and filled through a hole cut into the upper part. After filling the rubber bladder, the top should be either twisted around the threaded metal rod below the metal sleeve or pulled over the metal sleeve and tied with a cord or leather thong. Note that the hanging strap must be removed. The bag should be laced in the normal manner. The exterior of the bag shall be completely covered by ½ inch 1.3 centimeters) wide glass filament reinforced pressure sensitive tape. (Figure 5.)

(ii) Provisions shall be made for raising the impactor to drop heights of up to 48 inches (1.22 meters). At its release it shall have been supported so that the rod going through its center was in line with the steel support cable in a manner designed to minimize wobble or oscillation after its release.

* * * * *

(d) *Test procedures.* * * *

(2) *Environmental durability test procedures* * * *

(ii) *Accelerated weathering test.* The specimens shall be retained in the Weather-Ometer (paragraph (b) (3) (ii) of this section) for a period of 3480±1 hours, and exposed to a radiant flux of 50 microwatts per square centimeter (12 microcalories per second per square centimeter) while monitoring at a wavelength of 340 nanometers.

* * * * *

Interested parties are invited to submit, on or before November 2, 1977, written comments regarding these proposed amendments to the Safety Standard for Architectural Glazing Materials.

Written submissions and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a supporting memorandum or brief. Any comments that are received and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, 3d Floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: September 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

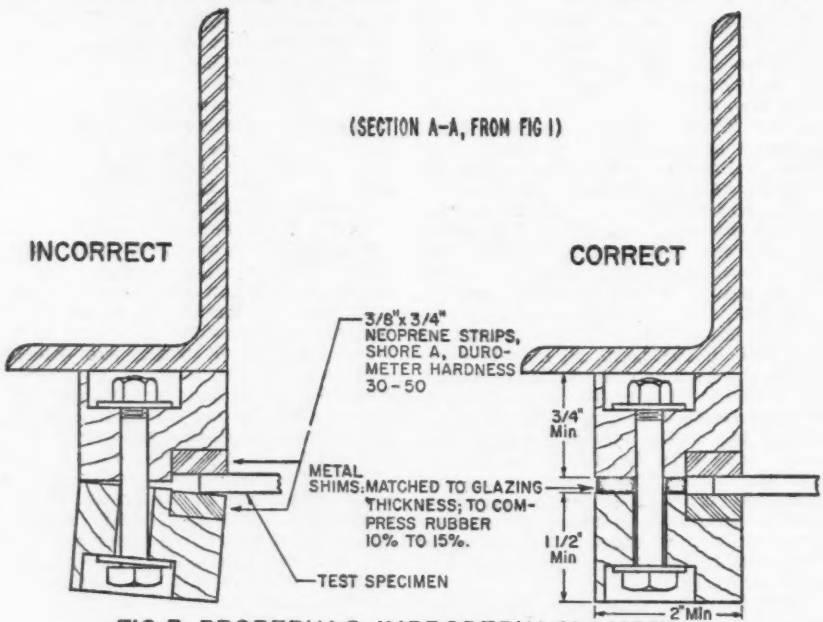
(SECTION A-A, FROM FIG 1)
INCORRECT
CORRECT
3/8"x 3/4" NEOPRENE STRIPS, SHORE A, DUROMETER HARDNESS 30-50
3/4" Min
METAL SHIMS: MATCHED TO GLAZING THICKNESS; TO COMPRESS RUBBER 10% TO 15%.
1 1/2" Min
TEST SPECIMEN
2" Min

FIG 3-PROPERLY & IMPROPERLY CLAMPED TEST SPECIMEN(>1/8" THICK)

[FR Doc.77-28820 Filed 9-30-77;8:45 am]

[6355–01]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP–77–8; CP–77–14, CP–77–15]

ARCHITECTURAL GLAZING MATERIAL

Denial of Petitions

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petitions.

SUMMARY: The Commission has denied petitions from the National Association of Home Builders, the National Lumber & Building Material Dealers Association, and the Mahoney Sash & Door Co., who petitioned the Commission to exempt certain doors which contain architectural glazing materials from the scope of the Safety Standard for Architectural Glazing Materials.

FOR FURTHER INFORMATION CONTACT:

Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 303–492–6453.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance, amendment, or revocation of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On April 1, 1977, the National Association of Home Builders (NAHB) filed a petition to amend the Safety Standard for Architectural Glazing Materials to exempt openings in glazed doors through which a six-inch diameter sphere is unable to pass.

On June 10, 1977, NLBMDA filed a petition requesting an amendment to exempt openings in doors through which an eight-inch diameter sphere is unable to pass. This petition was endorsed by NAHB.

On July 6, 1977, Edward A. Mahoney, Jr., of the Mahoney Sash & Door Co., filed a petition requesting an amendment from the standard to exempt traditional wood stile and rail doors from the standard for architectural glazing materials, if the glazing material begins at least 42 inches off the floor.

In the three petitions, the petitioners allege that doors with small panes of glass, or with panes of glass beginning more than 42 inches off the floor, do not present the risks of injury that the standard was designed to reduce or eliminate. The petitioners also allege that the standard increases the cost for such doors out of proportion to the benefits, and that the utility and availability of substitute glazing materials are inadequate.

After careful consideration of these matters set forth in these petitions, and a review of information currently available to the Commission on these matters, the Commission has denied these petitions. The Commission has taken this action because it continues to conclude that the products affected by the petitions, if not manufactured in accordance with the Safety Standard for Architectural Glazing Materials, present the unreasonable risks of injury that the standard was designed to reduce or eliminate.

The Commission has reviewed 131 in-depth investigation reports collected during 1975 and 1976 for doors (other than storm doors) with glass panes. Of 126 for which the width of the panes could be determined, 7 of the accidents were associated with panels less than 6 inches wide, and 12 with panes 6.5 to 8 inches wide. Of those reports in which the height of the lowest edge of glazing material was provided, 20 were associated with panes whose lowest edge was 42 inches or more from the floor. Several additional injuries appear to be related to panes whose lowest edge is approximately 42 inches off the floor, although no measurements were provided. All the accidents appear to be of the same type and severity as occur with architectural glazing materials in general, and of the type the standard was designed to reduce or eliminate.

The Commission also determined what body parts could pass through various openings in doors. For adults, a six-inch opening would accept a fist, arm, or leg above the knee. An eight-inch opening could admit a head. A forty-two inch limitation on height could permit upper trunk interaction with the glazing material.

The Commission recognized in issuing the standard that the costs of doors would increase as a result of the standard. However, the Commission has no information, nor have the petitioners provided information, to indicate that there are any significant errors in the cost estimates made at the time of issuance of the standard.

The Commission understands that many doors had been covered by those state safety glazing laws which were in existence prior to the effective date of the standard. Furthermore, various trade organizations have issued voluntary industry standards to require glazing materials complying, first with existing voluntary standards, and now with the Commission's standard. Therefore, complying doors should soon replace non-complying doors in the chain of distribution because of voluntary action and the requirements of the standard.

Finally, the Commission believes on the basis of the information before it that glazing materials that comply with the Commission standard can be obtained for replacing broken glazing material in doors, and that such glazing materials are satisfactory replacements. Replacement materials include prefabricated tempered inserts for standardized doors, laminated glass, and plastic glazing materials.

Accordingly, in accordance with section 10(d) of the Consumer Product Safety Act (15 U.S.C. 2059(d)), the petitions are denied.

Dated: September 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–28821 Filed 9–30–77;8:45 am]

[6355–01]

[Petition No. CP 77–5]

ARCHITECTURAL GLAZING MATERIAL

Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission has denied a petition from Robert J. Cunitz, Ph. D., who petitioned the Commission to issue a consumer product safety rule (or an amendment to the Safety Standard for Architectural Glazing Materials, 16 CFR 1201), which would impose requirements for visual barriers on architectural glazing materials used for doors and certain windows, and to modify the design of the impactor used to perform some of the testing required by the standard.

FOR FURTHER INFORMATION CONTACT:

Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301–492–6453.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance, amendment or revocation of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

By letters dated November 23, 1976, and January 26, 1977, Dr. Cunitz petitioned the Commission to initiate a proceeding under § 7 of the Consumer Product Safety Act to issue a consumer product safety rule which would require the use of a visual barrier such as decals, etchings, or engravings on any glazing materials used in or as doors, and on any glazing material used for windows, if the bottom edge of the glazing material is located within two and one-half feet of any walking surface, if the height of the glazing material exceeds one foot, and if the width of the glazing material exceeds one foot. Alternatively, the petition requested amendment of the Safety Standard for Architectural Glazing Materials to include requirements for visual barriers for the products described above.

Additionally, the petition requested the Commission to amend the Safety Standard for Architectural Glazing Materials

to modify the design of the item of test equipment which is called an impactor in the standard, and which is used to perform the impact test prescribed by the standard.

In assessing the question of whether to begin a standard development proceeding for a consumer product, the Commission considers whether the product presents an unreasonable risk of injury, whether a standard is necessary and whether the petitioner or other consumers would be unreasonably exposed to a risk of injury presented by the product if the Commission failed to commence the proceeding requested. In determing whether a product presents an unreasonable risk of injury and whether a consumer product safety standard or amendment is necessary to address a risk of injury, the Commission weighs the degree, nature, and frequency of injury or injury potential associated with the consumer product against the potential effect of a standard on the cost, utility, and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking with respect to that risk of injury (see the procedures for petitioning for rulemaking under section 10 of the CPSA, 16 CFR 1110.11(b)). The Commission policy on establishing priorities for commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

After careful consideration of the matters set forth in this petition, and a review of all information now available to the Commission about these matters, the Commission has denied the petition. The Commission has taken this action because it concludes that the information available to it which is relevant to the issues raised by the petition is not an adequate basis to support the action requested by the petition.

With regard to the first issue raised by the petition—risks of injury which may result from human impacts with glazing materials in doors and certain windows and in which the impacts do not cause those materials to break—the Commission has examined reports of in-depth investigations of injuries associated with glazing materials in doors and glazed panels. Of 250 such reports since January 1974, two reports described injuries associated with glazing materials which did not result from the breakage of those materials. In one of these cases, a visual barrier of the type urged in the petition might have prevented the accident. In the other case, such a barrier probably would not have prevented the accident. However, the lack of injury data does not conclusively show that architectural glazing materials that do not break have no injury potential. Because the Commission's standard for glazing materials requires certain glazing to be impacted with 400 foot pounds of energy and either to break with characteristics such that the glazing is less likely to present an unreasonable risk of injury or not to break, it is possible that injury potential due to contact with glazing that does not break may be increased. There is no information, however, that shows that decals, etchings, or engravings on the glazing will prevent accidents from occurring particularly in those situations where the hazard is due to accidentally falling into or through glazing, or due to installing, replacing, storing, or otherwise manipulating the glazing (16 CFR 1201(d)(1)(ii), (iii). These risks of injury would not appear to be reduced by visual barriers.

The Commission concludes that the portion of the petition requiring that visual barriers be mandated should be denied because of the lack of available information sufficient to establish that the absence of visual barriers for doors and certain windows presents an unreasonable risk of injury; that a mandatory standard requiring such visual barrier is necessary; or that the failure of the Commission to initiate a standard development proceeding to mandate visual barriers would unreasonably expose consumers to a risk of injury presented by doors and certain windows containing architectural glazing materials which do not break when impacted.

With regard to the second issue raised by the petition—the alleged inadequacy of the design of the impactor specified in the standard—the Commission has no information which would confirm or refute the allegations of the petition. Limited studies performed for the Commission (to compare the effects of impacting glazing materials by the use of an anthropomorphic dummy with the effects of impacting glazing materials by the use of the impactor specified in the standard) are inconclusive. However, the impactor designated in the standard has a long history of use in the voluntary industry standard, ANSI Z97.1. In the absence of some information tending to support the allegations concerning the inadequacy of the impactor, the Commission is unable to conclude that use of the impactor specified in the standard, along with the criteria for "passing" the standard results in glazing materials that present an unreasonable risk of injury. On the contrary, in issuing the standard, the Commission concluded that the standard was reasonably necessary to eliminate or reduce an unreasonable risk of injury. In view of the foregoing, the Commission is unable to find that an amendment to the standard concerning the type impactor is necessary. In addition, the Commission believes that based on presently available information, the failure of the Commission to initiate a standard development proceeding for the purpose of modifying design of the impactor, would not unreasonably expose the petitioner or other consumers to a risk of injury presented by products covered by the standard which contain architectural glazing materials.

This notice of the Commission's denial of the above-described petition and its reasons for denial has been issued pursuant to section 10(d) of the Consumer Product Safety Act, 15 U.S.C. 2059(d).

Dated: September 26, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc. 797-28822 Filed 9-30-77; 8:45 am]